

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. National Phase Application)
of International Application No.:)
PCT/IB2002/005216) Group Art Unit: Not Yet Assigned
Inventors: Vincenzo BOFFA et al) Examiner: Not Yet Assigned
Application No.: 10/538,192)
Filed: June 9, 2005)
For: METHOD FOR OPTIMIZING THE)
POSITIONING OF HIGH)
SENSITIVITY RECEIVER FRONT-)
ENDS IN A MOBILE TELEPHONY)
NETWORK AND RELATED)
MOBILE TELEPHONY NETWORK)

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
AND PETITION UNDER 37 C.F.R. § 1.47(a) TO
FILE DECLARATION WITHOUT EXECUTION BY A JOINT INVENTOR**

In response to the Notification of Missing Requirements dated April 10, 2007, applicants, on behalf of themselves and a non-signing joint inventor, submit a Declaration/Power of Attorney for filing in the above-identified application, a Request for Extension of Time, the required fee of \$450.00, (one month extension of time fee of \$120.00, missing parts fee of \$130.00, and petition fee of \$200.00) and a copy of the Notification of Missing Requirements. Please associate the enclosed declaration with the above identified application.

Applicants hereby petition the Commissioner for Patents under 37 C.F.R. 1.47(a) to accept the filing of the enclosed Declaration/Power of Attorney document on behalf of themselves (Vincenzo BOFFA, Eraldo DAMOSSO, Renata MELE, Fabrizio RICCI, Loris STOLA and Daniela TEALDI) and Enrico GIOVANARDI who has refused to sign the Declaration/Power of Attorney.

37 C.F.R. 1.47(a) provides: "[i]f a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(g), and the last known address of the non-signing inventor.

On June 9, 2005, Applicants filed papers to enter the national phase for the present patent application in the U.S. Patent and Trademark Office without an oath/declaration or assignment. As can be seen from the enclosed declarations of Francesco Battipede of the Industrial Property Rights Function of Telecom Italia S.p.A., Laura Ribero of the Industrial Property Rights Function of Telecom Italia S.p.A., and Paola Petiva of the Industrial Property Rights Function of Telecom Italia, S.p.A., several attempts were made to have Mr. Giovanardi, a joint inventor, sign the declaration and assignment documents for this patent application so that the executed documents could be filed with the patent application or so that they could be submitted with a response to the Notification of Missing Requirements dated April 10, 2007. However, Mr. Giovanardi never returned any executed documents and he consistently refused to sign

the declaration and assignment documents in requests made by telephone and in writing by e-mail and mail.

Mr. Giovanardi is a citizen of Italy and his last known address is:

Enrico GIOVANARDI
Via Carducci 54
41041 Formigone (Modena)
Italy

Applicants provide herewith:

- (A) A declaration signed by the available joint inventors on their own behalf as required by 37 C.F.R. 1.63 or 1.175 and also make the declaration on behalf of the non-signing joint inventor as required by 37 C.F.R. 1.64. An oath or declaration signed by the available joint inventors with the signature block of the nonsigning inventor left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor, unless otherwise indicated. See MPEP 409.03(a).
- (B) Proof (three (3) declarations of fact under 37 C.F.R. § 1.47(b) and exhibits attached thereto) that the nonsigning inventor refuses to execute the application papers with a showing of diligent effort and attempts to solicit his cooperation.
- (C) The last known address of the nonsigning inventor.
- (D) The required petition fee of \$200.00.
- (E) The surcharge fee of \$130.00 for late filing of the Declaration.

Applicants respectfully request that this petition under 37 C.F.R. 1.47(a) be granted and the Declaration of Vincenzo BOFFA, Eraldo DAMOSSO, Renata MELE, Fabrizio RICCI, Loris STOLA and Daniela TEALDI be accepted on behalf of themselves and the nonsigning joint inventor.

07/10/2007 MKAYPAGH 00000071 10538192

02 FC:1251 120.00 OP

07/10/2007 MKAYPAGH 00000071 10538192

03 FC:1463 200.00 OP

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 6, 2007

By: 
Ernest F. Chapman
Reg. No. 25,961